

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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DATE FILED: 12/17/14

Rio Tinto plc,

Plaintiff,

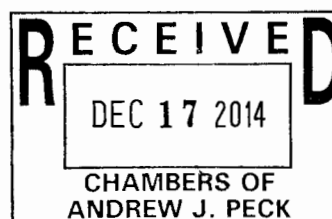
-against-

Vale S.A., Benjamin Steinmetz, BSG
Resources Limited, VBG-Vale BSGR Limited
aka BSG Resources (Guinea) Ltd. aka
BSG Resources Guinée Ltd, BSG Resources
Guinée SARL aka BSG Resources (Guinea)
SARL aka VBG-Vale BSGR, Frederic Cilins,
Mamadie Touré, and Mahmoud Thiam,

Defendants.

MEMO ENDORSED -12

14 Civ. 3042 (RMB) (AJP)



**NOTICE OF MOTION TO STAY DISCOVERY OF DEFENDANTS VALE S.A.,
BENJAMIN STEINMETZ, BSG RESOURCES LTD., VBG GUINEA, VBG-VALE
(GUERNSEY), AND MAHMOUD THIAM**

PLEASE TAKE NOTICE that upon the Memorandum of Law in Support of the Motion to Stay Discovery submitted by Defendants Vale S.A., Benjamin Steinmetz, BSG Resources Limited, VBG Guinea, VBG-Vale (Guernsey), and Mahmoud Thiam (collectively, “Defendants”) and the Declaration of Matthew M. Karlan and exhibits thereto, and all other papers and proceedings herein, Defendants will move this Court before the Honorable Andrew J. Peck, United States Magistrate Judge, at the United States Courthouse, 500 Pearl Street, New York, NY 10007, at a date and time to be determined by the Court, for an order staying discovery against Defendants pursuant to Federal Rule of Civil Procedure 26 and the Court’s inherent power, *Landis v. N. Am. Co.*, 299 U.S. 248 (1936), pending a ruling on Defendants’ motions to dismiss.

PLEASE TAKE FURTHER NOTICE that, pursuant to the Court’s order at the hearing on September 8, 2014, any answering papers in response to this motion shall be served upon the

undersigned counsel on or before October 20, 2014, and any reply papers shall be served upon plaintiff on or before October 27, 2014, unless otherwise agreed and so ordered by the Court.

Dated: New York, New York
October 6, 2014

Respectfully submitted on behalf of all Defendants,

CLEARY GOTTlieb STEEN & HAMILTON LLP

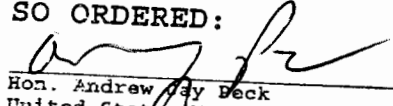
By: /s/ Lewis J. Liman
Lewis J. Liman
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Attorneys for Defendant Vale S.A.

MEMO ENDORSED 12/17/14
1. MOTION DENIED AS MOOT IN LIGHT OF
JUDGE BERMAN'S DECISION DENYING
DEFENDANTS' MOTION TO DISMISS (MDL 143).
2. Court shall confer and be prepared to
discuss a 2015 drug completion date at the
January conference with ME and Judge
Berman.

SO ORDERED:


Hon. Andrew J. Beck
United States Magistrate Judge

*Copy to: all counsel
for Berman*